

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Alfred McCray, #234007, )  
Plaintiff, ) C.A. No.: 3:09-1872-RBH  
vs. )  
Columbia Care Center, )  
Defendant ) **ORDER**

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Joseph R. McCrorey, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The plaintiff filed no objections to the Report and Recommendation. Additionally, the copy of the [Docket Entry 11] Order on Motion for Extension of Time that the court mailed to the plaintiff was returned undelivered, with its envelope stating that the addressee was now deceased. In the absence of objections to the Report and Recommendation of the Magistrate

Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge McCrorey's Report and Recommendation and incorporates it herein. It is therefore

**ORDERED** that the Complaint is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell

R. Bryan Harwell  
United States District Judge

Florence, South Carolina  
November 16, 2009